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PTO-1390 (Rev. 02-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER GFI/103 US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/541901</div>
INTERNATIONAL APPLICATION NO. PCT/US03/41357	INTERNATIONAL FILING DATE 23 December 2003	PRIORITY DATE CLAIMED 23 December 2002
TITLE OF INVENTION    STEROID RECEPTOR MODULATION OF GENE EXPRESSION		
APPLICANT(S) FOR DO/EO/US    Strauss et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**


11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A paper copy and computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☒ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:    Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b); Return Receipt Postcard from DO/EO/US confirming receipt of 371 national phase; Certificate of Express Mailing (Airbill No. EV626910053US)

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U.S. APPLICATION NO. <b>10/541901</b> (Not yet assigned)		INTERNATIONAL APPLICATION NO. PCT/US03/41357		ATTORNEY'S DOCKET NUMBER GFI/103	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input checked="" type="checkbox"/> Basic national fee	\$300	\$	300.00	
22.	<input checked="" type="checkbox"/> Examination fee				
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)					
All other situations			\$	200.00	
23.	<input checked="" type="checkbox"/> Search fee				
Search fee (37 CFR 1.445(a)(2)) has been paid on the inter national application to the USPTO as an International Searching Authority					
International Search Report prepared and provided to the Office			\$	400.00	
All other situations			\$	500.00	
TOTAL OF 21, 22 and 23 =			\$	900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0	/50 =	x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).			\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	30 - 20 =	10	x	50.00	\$ 500.00
Independent claims	5 - 3 =	2	x	200.00	\$ 400.00
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+		\$
TOTAL OF ABOVE CALCULATIONS =			\$	1800.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.			\$		
SUBTOTAL =			\$	1800.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).			+		\$
TOTAL NATIONAL FEE =			\$	1800.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+		\$
TOTAL FEES ENCLOSED =			\$	1800.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-1075</u> in the amount of \$ <u>1800.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-1075</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>FISH &amp; NEAVE IP GROUP ROPES &amp; GRAY LLP 1251 Avenue of the Americas New York, New York 10020</p> <p>SIGNATURE: <u></u> NAME: <u>Gloria Fuentes</u></p> <p>REGISTRATION NUMBER: <u>47,580</u></p>					

Application No. (if known):

Attorney Docket No.: GFI/103 US

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV626910053 US in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on July 11, 2005  
Date

  
Signature

Andrea Silverman

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), with authorization to charge \$1,500.00 to deposit account 06-1075 (2 pages, in duplicate, total 4 pages)

Application Data Sheet (2 pages)

First Preliminary Amendment (8 pages)

Second copy of published International Application No. PCT/US03/41357

Sequence Listing in paper copy (5 pages) and computer readable format

Statement Accompanying Sequence Listing (1 page)

Transmittal Letter to the United States Designated-Elected Office, with authorization to charge \$1,800.00 to deposit account 06-1075 (2 pages, in duplicate, total 4 pages)

Certificate of Express Mailing (1 page)

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
(Optional)  
GFI/103 US

First named inventor: Joseph Strauss

International (PCT) Application No: PCT/US03/41357

U.S. Application No.: Not Yet Assigned  
(if known)

Filed: December 23, 2003

**RECEIVED**

Title: STEROID RECEPTOR MODULATION OF GENE EXPRESSION

7 DEC 2005

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Legal Staff  
International Division**

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proper Reply;
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1500.00 (37 CFR 1.17(m))

**2. Proper Reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of a National Stage Filing under 35 U.S.C. § 371 (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

Page 1 of 2

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality if governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be send to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

☒

Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

July 11, 2005

Date

Gloria Fuentes

Typed or printed name

47,580

Registration Number, if applicable

FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
1251 Avenue of the Americas  
New York, New York 10020  
Address(212) 596-9000  
Telephone NumberEnclosures: ☒ Response (See items listed below)☒ Fee Payment☐ Terminal Disclaimer☐ Other (please identify):Application Data Sheet (2 pages)  
First Preliminary Amendment (8 pages)  
Second copy of published International Application No. PCT/US03/41357  
Transmittal of Sequence Listing in Computer Readable Form in Compliance with 37 C.F.R. §§ 1.821(E) and (F) (1 page)  
Sequence Listing in paper copy (5 pages) and computer readable format  
Statement Accompanying Sequence Listing (1 page)  
Certificate of Express Mailing (1 page)